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Attorneys for Todd Greenberg

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**In re:**

**PG&E CORPORATION,**

**- and -**

**PACIFIC GAS AND ELECTRIC  
COMPANY,**

**Debtors.**

- ☐ Affects PG&E Corporation  
☒ Affects Pacific Gas and Electric Company  
☐ Affects both Debtors

*\* All papers shall be filed in the Lead Case, No. 19-30088 (DM).*

Bankruptcy Case No. 19-30088 (DM)

Chapter 11

(Lead Case) (Jointly Administered)

**DECLARATION OF RICHARD A.  
LAPPING IN SUPPORT OF REPLY MEMO  
FOR CREDITOR TODD GREENBERG'S  
MOTION TO AMEND CLAIMS  
NUMBERED 77335 AND 76018**

Date: March 29, 2022

Time: 10:00 a.m.

Place: Courtroom 17

450 Golden Gate Avenue, 16th Floor  
San Francisco, California

Judge: Hon. Dennis Montali

**Via Tele/Video Conference**

I, Richard A. Lapping, declare as follows:

1. I am an attorney at law duly admitted to practice in the State of California and this Court. I am a member of Trodella & Lapping LLP, attorneys for Creditor Todd Greenberg ("Greenberg"). I make this declaration in support of Greenberg's reply to PG&E's opposition to his motion to permit Greenberg to file amendments of his claims numbered 77335 and 76018 (the

1 “Claims”). The facts stated herein are personally known to me and if called as a witness, I could and  
2 would testify competently thereto.

3 2. Attached as Exhibit 1 is a true and correct copy of an email to me from Jennifer  
4 Dodge, one the attorneys for PG&E, dated and received on January 14, 2022.

5 3. Attached as Exhibit 2 is a true and correct copy of the draft redline of the Scheduling  
6 Order for Remote Trial (“Scheduling Order”) that is also attached as Exhibit B to Ms. Dodge’s  
7 declaration (Dkt. #12059-2) and which I received on February 7, 2022 and responded to on February  
8 9, 2022. As can be seen, the format of my redline, Exhibit 2, differs from Ms. Dodge’s version,  
9 which occurs depending on how you set up the Microsoft Word review function.

10 4. Based on our prior correspondence, e.g., Exhibit 1, when I reviewed Exhibit 2, I did  
11 not notice that Ms. Dodge had changed the word “filed” to “heard” on page 4, line 15. In her  
12 previous correspondence, e.g. Exhibit A to her declaration, she had indicated when she made a  
13 substantive revision. Thus, my agreement to the form was based on this mistake.

14 5. As a result of changing the motion deadline to “heard”, when the Scheduling Order  
15 was issued on February 16, 2022 (Dkt. #11943), only 27 days remained before the March 15, 2022  
16 hearing deadline, which meant that it was impossible to file a noticed motion under L.B.R. 9014-  
17 1(c)(1), ignoring that the Court’s available hearing dates added to the impossibility.

18 6. I did not discover that the March 15 hearing deadline had been included in the  
19 scheduling order until Friday, March 4, 2022, the date that I caused the motion to amend to be filed.  
20 I also forgot that the motion to amend should have been set for hearing on the Court’s PG&E  
21 calendar, rather than the regular law and motion date.

22 7. On March 2, 2022, on written notice to counsel for PG&E, I caused to be issued a  
23 document subpoena to Veteran Power Inc., a subcontractor for PG&E. On March 15, 2022, Veteran  
24 Power responded through its counsel with an electronic document file containing numerous  
25 documents related to work done at 31 Bolinas Road, Fairfax, California, which is immediately next  
26 door to Greenberg’s property, during the time period, February 14 through 19, 2016, that Greenberg  
27 was in Hawaii and his refrigerator was damaged by some type of a power surge.

28 8. Attached hereto as Exhibit 3 is a true and correct copy of a Veteran Power “Daily

1 Work Report” for February 15, 2016 that was included in the Veteran Power document production.

2 9. Attached hereto as Exhibit 4 is a true and correct copy of a PG&E “Change Order  
3 Request for CWAs” related to the work described in Exhibit 3, also included in the Veteran Power  
4 document production.

5 I declare under penalty of perjury under the laws of the United States of America that the  
6 foregoing is true and correct.

7 Executed at Healdsburg, California, March 25, 2022.

8  
9 /s/ Richard A. Lapping

10 Richard A. Lapping  
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**LAPPING DECLARATION**  
**EXHIBIT 1**

## Richard Lapping

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**From:** Jennifer Dodge <jdodgelaw@jenniferdodgelaw.com>  
**Sent:** Friday, January 14, 2022 10:41 AM  
**To:** Richard Lapping  
**Cc:** Thomas Rupp  
**Subject:** Re: 19-30088 PG&E Corporation - Response Requested  
**Attachments:** Greenberg Trial Scheduling Order by Zoom (PGE RL 01.14.2021).docx

Rich,

We have left in that portion but amended it to shorten the time to 14 days for both motions to amend the pleadings and motions for summary judgment, given the abbreviated schedule:

**MOTIONS**. Unless otherwise ordered, (a) a motion by the Claimant to amend any of the three claims must be filed not later than **14** days after entry of this Scheduling Order and (b) motions for summary judgment must be heard no later than **14** calendar days before the Date and Time of Trial.

See attached and advise.

Jennifer

On Fri, Jan 14, 2022 at 9:44 AM Richard Lapping <[rich@trodellalapping.com](mailto:rich@trodellalapping.com)> wrote:

These changes are agreeable, except for the deletion on page 4, lines 13 to 15. Leave that in as it applies to a motion to amend the claims, which we are considering.

Rich Lapping



**TRODELLA & LAPPING LLP**

540 Pacific Ave • San Francisco, CA 94133  
Direct: 415.399.1015 • Mobile: 415.200.9407 • [rich@trodellalapping.com](mailto:rich@trodellalapping.com)

**LAPPING DECLARATION**  
**EXHIBIT 2**

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7 UNITED STATES BANKRUPTCY COURT  
8 NORTHERN DISTRICT OF CALIFORNIA

9 In re: ) Bankruptcy Case  
10 ) No. 19-30088-DM  
11 PG&E CORPORATION, )  
12 - and - ) Chapter 11  
13 ) Jointly Administered  
14 PACIFIC GAS AND ELECTRIC )  
15 COMPANY, )  
16 ) Date: ~~April 18~~ June 28-29, 2022  
17 Reorganized Debtors. ) Time: 9:00 AM  
18 ) Via Zoom Video  
19 ☐ Affects PG&E Corporation )  
20 ☐ Affects Pacific Gas and )  
21 Electric Company )  
22 ☒ Affects both Debtors )  
23 \* All papers shall be filed in )  
24 the Lead Case, No. 19-30088 )  
25 (DM) . )  
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SCHEDULING ORDER FOR REMOTE TRIAL

On December 21, 2021, the Court held a scheduling conference on Reorganized Debtors' objections to the claims of Todd Greenberg ("Claimant") (See claims ##77335, 76018 and 78381, Fortieth Omnibus Objection to Claims (Dkt. No. 9455), and One Hundred Tenth Omnibus Objection to Claim (Dkt. No. 11420)).

1 Jennifer L. Dodge and Thomas B. Rupp appeared for the  
2 Reorganized Debtors. Richard A. Lapping appeared for the  
3 Claimant.

4 Upon due consideration, the Court hereby enters the  
5 following scheduling order.

6 **TRIAL.** The trial or hearing ("Trial") on the above matters  
7 will commence on the Date and Time of Trial, set forth below and  
8 to be held via Zoom Video. The Time Reserved for Trial is also  
9 shown below. During the week prior to the Trial, the Court may  
10 move the starting time or day. The Court's Calendar  
11 Clerk/Courtroom Deputy will advise the parties of any such  
12 change by telephone or e-mail. **All parties are cautioned to be**  
13 **prepared to adjust their schedules accordingly.**

14 The Court is closed to an in-person trial as a result of  
15 the dangers presented by the COVID-19 pandemic. In accordance  
16 with Federal Rule of Civil Procedure 43(a), made applicable here  
17 by Federal Rule of Bankruptcy Procedure 9017, for good cause in  
18 compelling circumstances and with appropriate safeguards, the  
19 Court may permit testimony by contemporaneous transmission from  
20 a location other than the courtroom. The Court finds that the  
21 public danger presented by the COVID-19 pandemic merits  
22 application of this rule as to all witnesses who may remotely  
23 testify at the Trial, through the use of video conferencing  
24 technology.

25 Further, the Court finds that these procedures will provide  
26 adequate safeguards for purposes of Federal Rule 43(a) and  
27 ensure due process of law. These procedures will (i) enable the  
28 Court to identify, communicate with, and judge the demeanor of



1 all witnesses in real time, (ii) enable counsel for the parties  
2 to see and hear the witness testimony, interpose objections, and  
3 communicate with the Court in real time, (iii) enable the  
4 parties, the witnesses and the Court to have simultaneous access  
5 to an identical set of pre-marked exhibits, (iv) avoid any undue  
6 influence or interference with the witnesses in connection with  
7 their testimony, and (v) preserve the ability of any witness to  
8 be represented by counsel during the proceeding, and to  
9 communicate with such counsel as the Court deems appropriate.

10 Participants in the Trial will be connected with the  
11 courtroom but will not be physically present. The Court staff  
12 will provide a link or URL (internet address) to the persons  
13 identified by the parties.

14 Each participating attorney and each witness must have  
15 simultaneous access to a computer, equipped with a camera, that  
16 is capable of receiving and transmitting audio and video, or a  
17 tablet or smart phone, that satisfy the following requirements:  
18 (1) Internet browsing software that is adequate to facilitate  
19 the Court's video hearing provider, (2) an Internet connection  
20 with bandwidth adequate to support the individual's use of the  
21 video hearing provider, and (3) Adobe Acrobat Reader for  
22 purposes of reviewing exhibits, as directed by counsel or the  
23 Court. The device must have sufficient video and audio  
24 capabilities to allow the speaker to hear and be heard by other  
25 participants on a consistent basis. Further, the attorney or  
26 witness using it must be situated in a location with wi-fi,  
27 cellular, or other service adequate to provide clear audio and  
28 video.

1 No later than ~~April 4~~June 14, 2022, the parties shall  
2 provide to the courtroom deputy (Ms. Lorena Parada,  
3 [Lorena\\_Parada@canb.uscourts.gov](mailto:Lorena_Parada@canb.uscourts.gov), 415-268-2323), and to each  
4 other, a list of all attorneys and witnesses who will  
5 participate in the Trial, together with an email address and  
6 telephone number for each. The telephone number provided should  
7 be a number at which the attorney or witness can be reached  
8 during the Trial in the event of an interruption of the video or  
9 audio feed. This requirement is in addition to any requirements  
10 previously or subsequently established by the Court for the  
11 parties to disclose to each other, by a date certain, the  
12 identity of the witnesses they intend to present at trial.

13 **MOTIONS**. Unless otherwise ordered, (a) ~~motions to join~~  
14 ~~other parties and to amend the pleadings a motion by the~~  
15 ~~Claimant to amend any of the three claims~~ must be ~~filed~~heard  
16 ~~not~~ later than ~~30 days after entry of this Scheduling Order~~March  
17 15, 2022 and (b) motions for summary judgment must be heard no  
18 later than June 7, 2022.~~30 calendar days before the Date and~~  
19 ~~Time of Trial.~~

20 **DISCOVERY**. Discovery shall be completed by the Discovery  
21 Deadline shown below. Completion means that depositions must be  
22 concluded, although not necessarily transcribed. As to written  
23 and production discovery, responses must be due before the  
24 Discovery Deadline. The Court will attempt to resolve all  
25 discovery disputes on an expedited basis via telephonic  
26 conference, which any party may initiate by request to Ms.  
27 Parada, and notice to the other party after they have met and  
28 conferred and made a good faith effort to resolve the dispute.

1 The party requesting the conference should submit a brief letter  
2 or e-mail to Ms. Parada explaining the issues to be presented;  
3 the other party may submit a brief letter or e-mail in the same  
4 manner.

5 The Discovery Deadline may be extended by the parties by  
6 agreement, without an order of the Court.

7 **EVIDENCE.** ~~On motions for relief from stay, testimonial~~  
8 ~~evidence at the Trial must be presented by written~~  
9 ~~declaration(s) or deposition excerpt(s), unless the Court by~~  
10 ~~order allows oral testimony. B.L.R. 4001-1(c). Any motion for~~  
11 ~~permission to introduce any oral testimony (including by cross-~~  
12 ~~examination of the other party's declarant(s) or deponent(s))~~  
13 ~~shall be filed and served no later than 14 calendar days before~~  
14 ~~the Date and Time of Trial and shall include the names of the~~  
15 ~~witnesses, the subject of their expected testimony, and, where~~  
16 ~~applicable, a statement of the reasons why the testimony cannot~~  
17 ~~properly be introduced by declaration(s) or deposition~~  
18 ~~excerpt(s). Any opposition shall be filed and served no later~~  
19 ~~than 10 calendar days before the Date and Time of Trial. The~~  
20 ~~Court will rule on the motion without a hearing. No such motion~~  
21 ~~is required for cross-examination or redirect examination of~~  
22 ~~expert witnesses.~~

23 ~~On matters other than motions for relief from stay,~~  
24 ~~d~~Declarations of non-expert witnesses will not be considered  
25 except by stipulation of the parties or prior Court approval.

26 **PRE-TRIAL SUBMISSIONS.** Not later than ~~7~~<sup>143</sup> calendar days  
27 before the Date and Time of Trial, each party shall:

1 (a) File and serve copies of a trial brief, which shall  
2 include a summary of the facts to be proven and the legal  
3 theories on which the party relies. Briefs shall not exceed **15**  
4 pages without prior permission of the Court. The Court will not  
5 normally request or permit post-trial briefs.

6 (b) ~~On matters other than motions for relief from stay,~~  
7 Ffile and serve a witness list, including a brief summary of the  
8 anticipated testimony from each witness. If a party to the  
9 matter will be called as a witness (even as an adverse witness)  
10 that party's name must be included on the witness list. The  
11 presence of a witness' name on the witness list is to alert the  
12 Court and the other side that the witness may be called. It  
13 does not mean that that person will be called. Accordingly,  
14 each party is responsible for ensuring the attendance of every  
15 witness the party intends to call, whether or not named by the  
16 other side. Except in exceptional circumstances, absent consent  
17 by the other side, a party will not be allowed to call a witness  
18 not named on that party's witness list. This subparagraph shall  
19 not apply to impeachment, rebuttal or expert witnesses or their  
20 testimony.

21 (c) ~~On motions for relief from stay, file and serve (i) a~~  
22 ~~notice identifying any declaration(s), deposition excerpt(s) or~~  
23 ~~memoranda previously filed in connection with the preliminary~~  
24 ~~hearing and (ii) any additional declarations the party wishes~~  
25 ~~the Court to consider.~~ [Reserved]

26 (d) File and serve a list of exhibits the party intends to  
27 introduce into evidence (other than those to be used for  
28 impeachment or rebuttal). Exhibits that are already on the

1 Court's docket do not need to be served but must be listed by  
2 docket number and a brief description. Copies of all exhibits  
3 not already on the docket must be produced as separately titled  
4 pdf files, identifying each exhibit by exhibit number or letter  
5 and a brief description. Lengthy exhibits should be bookmarked  
6 in order to allow counsel, witness and the Court to readily  
7 access the relevant portion(s) of the exhibit.

8 Those exhibits shall also be emailed to  
9 [Montali.Orders@canb.uscourts.gov](mailto:Montali.Orders@canb.uscourts.gov).

10 Upon receipt of the electronic documents, each attorney and  
11 witness shall take the steps necessary to ensure that all  
12 electronic documents can be successfully opened and are readily  
13 available during the Trial.

14 Exhibits to be used solely for rebuttal or impeachment  
15 shall be encrypted in pdf format with a simple user-friendly  
16 password. They will be emailed to counsel, the parties, the  
17 courtroom deputy only and identified and marked as such when  
18 directed by the Court.

19 (e) Reorganized Debtors' exhibits should be marked by  
20 number and Claimant's exhibits should be marked by letter.

21 **CONDUCT OF TRIAL VIA VIDEO.** Any witness called to testify  
22 at the Trial shall testify by contemporaneous transmission from  
23 a different location into the video courtroom (each a "Remote  
24 Witness").

25 (a) Each Remote Witness shall be placed under oath and  
26 their testimony shall have the same effect and be binding upon  
27 the Remote Witness in the same manner as if such Remote Witness  
28 were sworn and testified in open court.

1 (b) Each Remote Witness shall provide their testimony from  
2 a quiet room and must situate themselves in such a manner as to  
3 be able to both view the video and be seen by the Court.

4 (c) While the Remote Witness is sworn and testifying: (i)  
5 no person may be present in the room from which the Remote  
6 Witness is testifying, (ii) the Remote Witness may not have in  
7 the room any documents except the exhibits submitted by the  
8 parties pursuant to this order and any declaration submitted in  
9 lieu of direct testimony, and (iii) may not communicate with any  
10 other person regarding the subject of their testimony, by  
11 electronic means or otherwise. If the witness or their counsel  
12 seek to communicate with one another, either shall openly  
13 request a recess for such purpose. If such request is granted  
14 by the Court, the witness and their counsel may privately confer  
15 "offline," i.e., by telephonic means that are not transmitted to  
16 the other parties.

17 (d) Remote Witnesses who are testifying as experts must  
18 provide advance direct testimony by declaration submitted by the  
19 parties pursuant to this order. Remote Witnesses shall be  
20 available for cross examination. Failure of a Remote Witness to  
21 be available for cross examination may result in striking of the  
22 Remote Witness's declaration.

23 **EXPERTS.** The presentation of expert testimony at Trial  
24 shall be governed by the following:

25 (a) Direct evidence shall be presented by a declaration  
26 that authenticates the report of the expert. See FRCP  
27 26(a)(2)(B), incorporated via Fed. R. Bankr. P. 7026. Each  
28 party shall file and serve declarations of experts and other

1 documentary evidence related thereto no later than **30** calendar  
2 days prior to the Discovery Deadline; ~~provided, however, on~~  
3 ~~motions for relief from stay, such declarations shall be filed~~  
4 ~~and served no later than 14 calendar days prior to the Date and~~  
5 ~~Time of Trial.~~

6 (b) To cross-examine an opposing party's expert declarant,  
7 a party shall notify the opposing party in writing or by e-mail  
8 at least **3 court** days before the Date and Time of Trial, in  
9 which case the declarant will be required to be available to  
10 appear at Trial via Zoom. Any party who fails to notify the  
11 opposing party will not be permitted to cross-examine the  
12 opposing party's expert. Any party who requests the right to  
13 cross-examine an expert and then does not do so will be expected  
14 to reimburse the opposing party no less than the expenses  
15 incurred in producing the expert at the Trial.

16 If either party anticipates the use of rebuttal expert  
17 testimony, counsel should meet and confer regarding the timing  
18 of disclosure of such expert, the submission of the expert's  
19 report and discovery regarding such expert. If the parties do  
20 not reach agreement, the matter should be brought before the  
21 Court in the same manner as discovery disputes as provided in  
22 this order.

23 **PRE-TRIAL OBJECTIONS.** Promptly after receipt of the items  
24 mentioned in **PRE-TRIAL SUBMISSIONS**, above, each party must  
25 advise the opposing party of any objections to the introduction  
26 of testimony or exhibits. Parties must meet and confer before  
27 Trial to attempt to reach agreement regarding admissibility.

1 The Court expects the parties to make good faith efforts to  
2 resolve all evidentiary issues.

3 **MOTIONS IN LIMINE**. If efforts to resolve disputes regarding  
4 the introduction of testimony or exhibits are unsuccessful,  
5 motions in limine should be filed and served no later than **4**  
6 **court** days before the Date and Time of Trial. Such motions  
7 should include a certification that the moving party has  
8 complied in good faith with the meet and confer requirements of  
9 the preceding paragraph. Opposition should be filed and served  
10 no later than **1 court** day before the Date and Time of Trial.  
11 Motions in limine will be heard at the commencement of Trial.

12 Notwithstanding the foregoing, if a party intends by a  
13 motion in limine to exclude an expert or the expert's report,  
14 that party should set the motion on the Court's regular law and  
15 motion calendar, to be heard at least **7** calendar days before the  
16 Date and Time of Trial.

17 **STIPULATIONS**. At the commencement of Trial, the parties  
18 must be prepared to stipulate into evidence all exhibits that  
19 are admissible for at least one purpose. Bona-fide objections  
20 may be reserved, with the issue of admissibility deferred until  
21 the exhibit is offered into evidence.

22 **ORDER OF PRESENTATION AT TRIAL**. Unless otherwise agreed by  
23 the parties or ordered by the Court, the Claimant will present  
24 his case-in-chief first.

25 **IMPEACHMENT AND REBUTTAL WITNESSES**. The requirement of  
26 advance identification of witnesses and production of exhibits  
27 does not apply to witnesses and exhibits presented for purposes  
28



1 of impeachment or rebuttal.<sup>1</sup> This paragraph supersedes the  
2 expert disclosure procedure of FRCP 26(a)(2)(D)(ii),  
3 incorporated via Fed. R. Bankr. P. 7026.

4 **DEMONSTRATIVE EVIDENCE**. The Court does not want charts,  
5 power point presentations, whiteboards, or similar large display  
6 items to be used during trial. Parties desiring to summarize,  
7 reproduce or display evidence may use the "Share Screen" feature  
8 in Zoom, subject to the Court's permission. Any exceptions to  
9 this policy should be requested well in advance of trial.

10 **NOTICE TO COURT**. No later than the Monday of the week prior  
11 to the Date and Time of Trial, counsel for the Reorganized  
12 Debtors **must** telephone or e-mail the Court's Calendar  
13 Clerk/Courtroom Deputy, Ms. Lorena Parada (415-268-2323;  
14 Lorena\_Parada@canb.uscourts.gov) and report: whether the parties  
15 intend to go forward with the Trial as scheduled; if settlement  
16 is likely; whether the time reserved for the Trial is realistic;  
17 and any other relevant information.

18 **NON-COMPLIANCE**. Any failure of a party to comply timely  
19 with this scheduling order may result in judgment against such  
20 party, removal of the Trial from calendar, exclusion of evidence  
21 or imposition of monetary or non-monetary sanctions. See FRCP  
22 16(f)(1)(C), incorporated via Fed. R. Bankr. P. 7016.

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24 <sup>1</sup> The proper function of rebuttal evidence is to contradict,  
25 impeach or defuse the impact of the evidence offered by an  
26 adverse party. Testimony offered only as additional support to  
27 an argument made in a case in chief is improper on rebuttal.  
28 Peals v Terre Haute Police Dept., 535 F.3d 621, 630 (7th Cir.  
2008); see also Daly v. Far Eastern Shipping Co., 238 F.Supp.2d  
1231, 1238 (W.D. Wash. 2003), aff'd 108 Fed. Appx. 476 (9th Cir.  
2004).

1       **DATE AND TIME OF TRIAL:** ~~April 18 and 19~~ June 28 and 29, 2022  
2 beginning at 9:00 AM

3       **TIME RESERVED FOR TRIAL:** Two days

4       **DISCOVERY DEADLINE:** ~~February 25~~ March 11 May 20, 2022

5       **PRE-TRIAL STATUS CONFERENCE:** The Court will conduct a pre-  
6 trial status conference on ~~March 15~~, 2022 at  
7 11:00 AM via Zoom. In addition to normal business, counsel and  
8 the Court will test the adequacy of all parties' audio and video  
9 connections and other matters related to the conduct of the  
10 remote trial. The Court expects counsel to take similar steps  
11 prior to trial (but without court involvement) to assure proper  
12 connections with their respective clients and witnesses.

13       **OTHER PROVISIONS:** Although conducted using video  
14 conferencing technology, the Trial constitutes a court  
15 proceeding. No person shall record, from any location or by any  
16 means, the audio or video of the Trial. The audio recording  
17 created and maintained by the Court shall constitute the  
18 official record of the Trial. Further, the formalities of a  
19 courtroom shall be observed. Counsel and witnesses shall dress  
20 appropriately, exercise civility, and otherwise conduct  
21 themselves in a manner consistent with the dignity of the Court  
22 and its proceedings.

23                               \*\*END OF ORDER\*\*

COURT SERVICE LIST

ECF Recipients

**LAPPING DECLARATION**  
**EXHIBIT 3**



VETERAN POWER  
PO Box 639  
Benicia, CA 94510

License# 986650

## **DAILY WORK REPORT**

### **JOB INFORMATION**

JOB NAME	LOCATION	JOB #	SUPERINTENDENT/FOREMAN
31 Bolinas	Fairfax Ca	15-3302	Jesus Moreno
DATE	WEATHER	ESTIM. % COMPLETE	DIG ALERT TICKET #
2/15/2016	Clear		564538
CUSTOMER JOB #	CUSTOMER CONTACT		
31164908			

### **DESCRIPTION OF WORK**

Today we hand dug 50' of trench at 48" deep and backfield it.

### **EMPLOYEES**

NAME	JOB #	HOURS	DRIVE TIME	PER DIEM (Y/N)
Carlos Lozano	15-3302	12		Yes
Francisco Rosales Torres	15-3302	12		Yes
Jesus Moreno	15-3302	12		Yes
Jose Cruz Lopez-Sandoval	15-3302	12		Yes

**SUBCONTRACTOR / SERVICES**

TICKET #	SUBCONTRACTOR	SERVICE/MATERIALS	QUANTITY
01591		Trucking	
01592		traffic control	

**MATERIALS**

VENDOR	MATERIALS RECEIVED	MATERIALS USED	QTY USED
	sand		4 yards
	base rock		10 yards
	cold mix		1 yard
	4" conduit		50'

**EQUIPMENT**

EQUIPMENT #	DESCRIPTION	RENTAL COMPANY	HRS/MILES ON EQ.	HOURS USED
21-003	Crew truck Jesus			
22-005	Dump Truck			
33-004	Skid Steer Jesus			
35-004	E35 mini exc.			
51-008	Equipmen Trailer			

**BORE LOGS**

TICKET #	DESCRIPTION	PRODUCT PULLED	PAID FOOTAGE

**SAFETY**

NEAR MISSES	UNMARKED UTILITIES



## PROJECT PHOTOS



## ATTACHED SUBCONTRACTOR IMAGE





## FREIGHT BILL

J.R. Lopes

CA - 30977

(510) 385-4523

## LOPES TRUCKING

11567 Crow Canyon Rd.

Castro Valley, CA 94552

(510) 538-3564

No 11098

TRUCK # 1 TRAILER # alt DATE 2-15-16UNDERLYING  
CARRIER (IF ANY)

RECEIVED FROM (CONSIGNOR)

DELIVERED TO (CONSIGNEE)

ADDRESS

ADDRESS

CITY

CITY

NAME AND ADDRESS OF DEBTOR  
(IF OTHER THAN CONSIGNOR)

JOB #

TIME	SCALE TAG NO.	WEIGHT	TIME	TIME	SCALE TAG NO.	WEIGHT	TIME
9:00				6			
				7			
3				8			
4				9			
5				10			

TYPE OF ☐ TRUCK ☐ SEMI END ☐ SEMI BOTTOM ☐ EQUIPMENT ☐ TRACTOR ☐ TRANSFER ☐ OTHERCOMMODITY  
TRANSPORTED

NO OF AXLES

REPORTING  
TIMEENDING  
TIMEOVERALL  
TIMENET  
CHARGEABLE  
TIMESTARTING  
TIME  
LAST TRIPARRIVAL TIME  
AT DUMP  
LAST TRIPEND  
UNLOADING  
LAST TRIPRUNNING  
TIME  
LAST TRIPMEAL & TRUCK  
DOWN TIME

REMARKS

CHARGES

DEBTOR AGREES TO PAY LEGAL FEES, COURT COSTS FOR  
COLLECTION OF DELINQUENT ACCOUNTS AND LEGAL RATE  
OF INTEREST FOR PAST DUE ACCOUNTS.  
OWNER ASSUMES ALL RESPONSIBILITY FOR DAMAGED OR  
BROKEN UNMARKED UNDERGROUND SERVICES, ETC.

ACCESSORIAL HELPERS  
OTHER CHARGES

TOTAL

by

RECEIVED IN GOOD ORDER BY AUTHORIZED REPRESENTATIVE

DRIVER'S  
SIGNATURE

PUBLIC UTILITIES COMMISSION REQUIREMENTS FOR THESE CHARGES NOT LATER THAN THE FIFTEENTH OF THE MONTH  
FOLLOWING DATE OF THIS BILL.

## NOTICE

Under the Mechanics Lien Law (California Code of Civil Procedure, Section 1181 et seq / any contractor subcontractor laborer supplier  
or other person who helps to improve your property but is not paid for his work of supplies has a right to enforce a claim against your  
property. This means that, after a court hearing, your property could be sold by a court officer and the proceeds of the sale used to  
pay the debt. If you do not pay your bill, you will be liable in full for the subject matter of this bill.

Submitted in accordance with Section 7018 Business and Professions Code. 24 of 30

NOTE: We make deliveries inside curb line and on the lot at customer risk only and accept no responsibility for any damages resulting  
from such deliveries.



LANDSCAPE MATERIALS INC.  
580 Jacoby St, San rafael, Ca 94901  
415 456 1381 fax 415 456 1754  
www.americansoilandstone.com

Cashier: Rahm  
Qty Description 1  
6 cy Recycled Base Rock  
\$20.50 \$102.50  
Subtotal \$102.50  
Local Sales Tax 9.25 % Tax + \$9.48  
**RECEIPT TOTAL: \$111.98**

Credit Card: \$111.98  
Visa

Merchant # \*\*\*09411

--- Begin Tender Details ---

Credit Charge : \$111.98  
Visa : XXXXXXXXXXXXX4983  
Entry Method : Manual  
Auth Code : 429290

Signature: \_\_\_\_\_  
I agree to the above amount according to card issuer agreement.

--- End Tender Details ---

Thanks for shopping with us!  
Please show receipt when you pick up materials

352007

47 PM

Sales Receipt #352021

LANDSCAPE MATERIALS INC  
580 Jacoby St, San rafael, Ca 94901  
415 456 1381 fax 415 456 1754  
www.americansoilandstone.com

Cashier: 03

Qty Description 1  
6 cy Recycled Base Rock

\$20.50 \$123.00

Subtotal \$123.00

Local Sales Tax 9.25 % Tax + \$11.38

**RECEIPT TOTAL: \$134.38**

Credit Card: \$134.38  
Visa

Merchant # \*\*\*09411

--- Begin Tender Details ---

Credit Charge : \$134.38  
Visa : XXXXXXXXXXXXX4983  
Entry Method : Swiped  
Auth Code : 135734

Signature: \_\_\_\_\_  
I agree to the above amount according to card issuer agreement.

--- End Tender Details ---

Thanks for shopping with us!  
Please show receipt when you pick up materials

352021



**LAPPING DECLARATION**  
**EXHIBIT 4**



## Change Order Request for CWAs

DATE: 2/15/2016

1. CONTRACTOR CHANGE REQUEST NO.	<u>1</u>	2. PM ORDER NO./PCC	<u>31164908</u>
3. CONTRACTOR	<u>Veteran Power</u>	4. CONTRACT NO.	<u>2501284353</u>
5. DATE WORK OCCURED	<u>2/15/16</u>	6. PG&E CHANGE ORDER #	<u>1</u>
7. FIELD AUTHORIZATION FORM (Y/N)	<u>N</u>	8. AUTHORIZING PG&E SUPV	<u>W. Abbott</u>

9. **Specific description of work that was added or removed from the scope: location of work (where it was done), what was done and why.** Also note the applicable language in the contract which supports your change order request. (i.e. exclusions in the CWA).

Request change order to cover costs for additional work not addressed in the original Cost Proposal.

1. Due to the existing utilities found while potholing at the original locations of the #5 & #7 enclosures. additional prospecting was required to find new locations for the enclosures.

2. The project was redesigned twice trying to find locations for the enclosures requiring multiple visits for prospecting. This work was tracked on time and material as shown on the LME

3. The final design and new locations of the enclosures require additional trench footage and conduit to complete the installation.

4. Additional manhours, traffic control, materials and site restoration are required to complete the installation. This additional cost is shown on the unit cost breakdown.

Total Amount of Change Order=\$60,387.27

See Attachment 1 & 2 for LME & Unit Cost Breakdown

10. TOTAL CURRENT CWA VALUE
<b>\$84,535.69</b>
11. TOTAL CHANGE ORDER AMOUNT
<b>\$60,387.27</b>
12. NEW CWA VALUE INCLUDING CHANGE ORDER
<b>\$144,922.96</b>

13. In addition to this document, attach an invoice listing labor and equipment classifications, hours of work, and hourly rates as applicable. Also include any sub-contractor invoices, and note their applicable mark-ups. Attach a Field Authorization Form, and LM&E's if they were utilized.

PM31164908 BOLINAS FAIRFAX														
PROPOSAL & CWA QUANTITIES							REVISED QUANTITIES							Difference
UNIT #	CATEGORY	DESCRIPTION	U/M	Unit	Price	Total	UNIT #	CATEGORY	DESCRIPTION	U/M	Unit	Price	Total	
CT-11	TRENCH_OPEN_CUT_UG	18" WIDE (DEPTH LESS THAN 48")	PER FT	100	\$118.80	11,880.00	CT-11	TRENCH_OPEN_CUT_UG	18" WIDE (DEPTH LESS THAN 48")	PER FT	193	\$118.80	22,928.40	\$11,048.40
CT-15	TRENCH_OPEN_CUT_UG	18" WIDE (DEPTH 48.1" TO 72")	PER FT	25	\$147.40	3,685.00	CT-15	TRENCH_OPEN_CUT_UG	18" WIDE (DEPTH 48.1" TO 72")	PER FT	55	\$147.40	8,107.00	\$4,422.00
CICC-3	INSTALLATION_CONDUIT_UG	4" DB120 CONDUIT	PER FT	66	\$4.95	326.70	CICC-3	INSTALLATION_CONDUIT_UG	4" DB120 CONDUIT	PER FT	200	\$4.95	990.00	\$663.30
CICC-4	INSTALLATION_CONDUIT_UG	6" DB120 CONDUIT	PER FT	57	\$9.68	551.76	CICC-4	INSTALLATION_CONDUIT_UG	6" DB120 CONDUIT	PER FT	22	\$9.68	212.96	-\$338.80
CICC-2	INSTALLATION_CONDUIT_UG	3" DB120 CONDUIT	PER FT	0	\$3.73	0.00	CICC-2	INSTALLATION_CONDUIT_UG	3" DB120 CONDUIT	PER FT	26	\$3.73	96.98	\$96.98
CPE-27	PRIMARY_ENCLOSURES_UG	#7 EQUIPMENT/SPUCE BOX ENCLOSURE(4'6" X 8'6" X 7'6")HEAVY FULL-TRAFFIC	EACH	1	\$11,087.00	11,087.00	CPE-27	PRIMARY_ENCLOSURES_UG	ENCLOSURE(4'6" X 8'6" X 7'6")HEAVY FULL-TRAFFIC	EACH	1	\$11,087.00	11,087.00	\$0.00
CPE-1	PRIMARY_ENCLOSURES_UG	#5 EQUIPMENT/SPUCE ENCLOSURE(3'0"X 5'0"X 4'6") (INCIDENTAL NEW INSTAL)	EACH	1	\$6,094.00	6,094.00	CPE-1	PRIMARY_ENCLOSURES_UG	#5 EQUIPMENT/SPUCE ENCLOSURE(3'0"X 5'0"X 4'6") (INCIDENTAL NEW INSTAL)	EACH	1	\$6,094.00	6,094.00	\$0.00
CB-5	BELLHOLES_UG	5' OR LESS IN DEPTH (SIDEWALK)	PER SQ/FT	80	\$82.84	6,627.20	CB-5	BELLHOLES_UG	5' OR LESS IN DEPTH (SIDEWALK)	PER SQ/FT	80	\$82.84	6,627.20	\$0.00
CO-1	OTHER_UG	TRAFFIC CONTROL	COST PLUS	7	\$2,000.00	14,000.00	CO-1	OTHER_UG	TRAFFIC CONTROL	COST PLUS	12	\$2,000.00	24,000.00	\$10,000.00
CR-16	RESTORATION_CLASS2BASE_UG	GREATER THAN 500 SQ/FT (6.1-12")	PER SQ/FT	940	\$4.13	3,882.20	CR-16	RESTORATION_CLASS2BASE_UG	GREATER THAN 500 SQ/FT (6.1-12")	PER SQ/FT	1240	\$4.13	5,121.20	\$1,239.00
CR-6	RESTORATION_AC_PAVING_UG	251-500 SQ/FT (6.1-12")	PER SQ/FT	240	\$18.85	4,524.00	CR-6	RESTORATION_AC_PAVING_UG	251-500 SQ/FT (6.1-12")	PER SQ/FT	740	\$18.85	13,949.00	\$9,425.00
CR-31	RESTORATION_SIDEWALK_UG	251-500 SQ/FT (4.1-8")	PER SQ/FT	700	\$16.90	11,830.00	CR-31	RESTORATION_SIDEWALK_UG	251-500 SQ/FT (4.1-8")	PER SQ/FT	700	\$16.90	11,830.00	\$0.00
CR-37	RESTORATION_CURB_GUTTER_UG	0-50 LF CLEARANCE 4 MAN CREW WITH CREW TRUCK (PREMIUM TIME)	PER LF	0	\$837.30	0.00	CR-37	RESTORATION_CURB_GUTTER_UG	0-50 LF 4 MAN CREW WITH CREW TRUCK (PREMIUM TIME)	PER LF	30	\$55.90	1,677.00	\$1,677.00
CCR-8	CIVIL_CREW_RATE_UG		PER HR	12	\$837.30	10,047.60	CCR-8	CIVIL_CREW_RATE_UG	ADDITIONAL TIME FOR PROSPECTING TO FIND LOCATION OF ENCLOSURES. THIS WORK TRACKED ON LME	PER HR	12	\$837.30	10,047.60	\$0.00
							LME			LUMP SUM	1	22,154.39	\$22,154.39	
Total					\$	84,535.46	Total					\$	144,922.73	\$60,387.27

## Daily Statement of Labor, Material, and Equipment - Furnished by Contractor

JOB LOCATION: 31 BOLINAS FAIRFAX  
 CONTRACT OR SPEC. NO. PM31164908  
 JOB NO. 15-3302  
 CHANGE ORDER NO.  
 SHEET OF SHEETS

## CONTRACTOR'S LABOR

NAME	LABOR TYPE	RATE	HRS	TOTAL \$
BEN OGDEN	Foreman IBEW	110.90 ST 20.00	2,218.00	ST
	- OT	-	-	OT
	196.53 DT	-	-	DT
DONNY FRIEMOTH	Line Equip. Man IBEW	84.45 ST 20.00	1,689.00	ST
	- OT	-	-	OT
	145.95 DT	-	-	DT
MANNY SAMANIEGO	Groundman IBEW	68.71 ST 20.00	1,374.20	ST
	- OT	-	-	OT
	114.03 DT	-	-	DT
JESUS MORENO	Foreman IBEW	68.71 ST 18.00	1,236.78	ST
	- OT	-	-	OT
	114.03 DT	-	-	DT
CRUZ LOPEZ	Line Equip. Man IBEW	84.45 ST 18.00	1,520.10	ST
	- OT	-	-	OT
	145.95 DT	-	-	DT
FRANCISCO TORRES	Groundman IBEW	68.71 ST 18.00	1,236.78	ST
	- OT	-	-	OT
	114.03 DT	-	-	DT
JOSE BARBOSA	Groundman IBEW	68.71 ST 18.00	1,236.78	ST
	- OT	-	-	OT
	114.03 DT	-	-	DT
LABOR TYPE ↓	- ST	-	-	ST
	- OT	-	-	OT
	- DT	-	-	DT
LABOR TYPE ↓	ST	-	-	ST
	OT	-	-	OT
	DT	-	-	DT
LABOR TYPE ↓	ST	-	-	ST
	OT	-	-	OT
	DT	-	-	DT

TOTAL PREMIUM TIME (DT)	-
TOTAL PREMIUM TIME (OT)	-
TOTAL STRAIGHT TIME (ST)	10,511.64
TOTAL LABOR	10,511.64
PAYROLL TAXES ON TOTAL LABOR OF \$	Inc. Above
COMP. INS. ON TOTAL LABOR OF \$	Inc. Above
P.L. AND P.D. ON TOTAL LABOR OF \$	Inc. Above
WELFARE	Inc. Above
SUBSISTENCE - DAYS	-
TOTAL LABOR, P/R TAXES, ETC.	10,511.64

Description of Work, Item No.

11/30-12/1/15 ADD'L PROSPECTING ABOVE THE AMOUNT INCLUDED IN CONTRACT. PROSPECT AT LOC 2 & 7 FOR PLACEMENT OF #5 & #7 ENCLOSURES. MOVE TO ALLEY WAY AND PERFORM ADD'L POTHOLING. NO WINDOW WAS FOUND.	1	2	3	4	5	6
1/26-1/28 ADD'L PROSPECTING AT NEW LOCATIONS FOR PLACEMENT OF ENCLOSURES. STILL NO WINDOW FOUND. FIELD MEET WITH ANDY WELCH & DAVID BROWN TO REDESIGN	2	3	4	5	6	

Subsistence, Number of person/days

SELECT DROP DOWN IN THESE FIELDS

Date 11/30-1/28

VETERAN POWER, INC.

RENTAL EQUIPMENT				
EQUIPMENT DESCRIPTION		RATE	AMOUNT	ITEM
TRENCH PLATES/SHORING DELIVERY & PICK UP	1.00	412.50	412.50	
-	-	-	-	
-	-	-	-	
-	-	-	-	
TOTAL EQUIPMENT RENTAL			412.50	
ADDITIONAL SERVICES				
SERVICE DESCRIPTION		RATE	AMOUNT	ITEM
TRAFFIC CONTROL-DAYS	3.00	2,166.75	6,500.25	
-	-	-	-	
-	-	-	-	
-	-	-	-	
-	-	-	-	
-	-	-	-	
TOTAL ADDITIONAL SERVICES			6,500.25	
MATERIAL		\$ TOTAL		ITEM
-	-	-	-	
-	-	-	-	
-	-	-	-	
-	-	-	-	
-	-	-	-	
TOTAL MATERIAL			-	
CONTRACTOR OWNED EQUIPMENT				
EQUIPMENT DESCRIPTION	HRS	RATE	AMOUNT	
CREW TRUCK	38.00	32.00	1,216.00	
5 YRD DUMP TRUCK	38.00	35.00	1,330.00	
EQUIPMENT TRAILER	38.00	8.00	304.00	
E35 MINI EXCAVATOR	38.00	30.00	1,140.00	
800 GALLON VACUUM EXCAVATOR	20.00	37.00	740.00	
-	-	-	-	
-	-	-	-	
-	-	-	-	
TOTAL OWNED EQUIPMENT			4,730.00	

TOTAL RENTAL EQUIPMENT COST	412.50
TOTAL ADDITIONAL SERVICES FT/EA	6,500.25
TOTAL MATERIAL & SALES TAX	-
TOTAL CONTRACTOR OWNED EQUIP	4,730.00
TOTAL	11,642.75
GRAND TOTAL	22,154.39